



Tuesday, October 25, 2011

Received & Inspected

To: Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

OCT 31 2011
FCC Mail Room

From: Jan Wee, Director-I & T Services
School District of Holmen
TMT Building
500 State Road
Holmen, Wisconsin 54669
608-526-1323
weejan@holmen.k12.wi.us

Re: Request for Rule Waiver Form 471

Dear Ms. Dortch,

I am writing to you to request a rules waiver for the School District of Holmen's 2010-2011 and 2011-2012 eRate reimbursement for our district's fiber lease and ISP bandwidth services.

Billed Entity Number: 133322
2009-2010 Form 471: 686689
2010-2011 Form 470 162790000807459
2010-2011 Form 471: 690398
USAC Case # 22-281619

Our district contracted with Charter Business Fiberlink (143033155 SPIN NUMBER- Charter Fiberlink CC VIII, LLC) for a five year contract for our *fiber network lease* which began July 1, 2009. We also contracted for 30MBS backbone ISP services under a separate contract during that same time period.

As per normal, I filed the 2009-2010, 2010-2011 and 2011-2012 eRate forms including Form 470, 471, and 486. It was my understanding that because we had a *five year contract* in place under the Form 470 and Form 471 for 2009-2010 that we did not need to file a separate 471 erate form for these services for the 2010-2011 and 2011-2012 school years. I had checked on this with several

sources and they all confirmed that this was the correct procedure. The sources included other IT Directors who are experienced in filing and the vendor contacts.

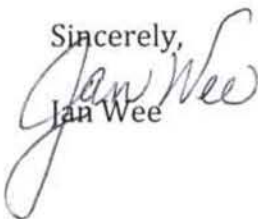
We received our eRate reimbursement for the 2009-2010 school year without any issue. Charter issued the reimbursement checks and all was well for 2009-2010. However, I discovered as I was filing the 2010-2011 BEAR forms (Form 486/472) that I am unable to do so in order to claim this year's reimbursements. This will also impact 2011-2012 as I did not file a separate Form 471 for 2011-2012 for Charter Business.

If you were to allow a **ruling waiver** for the 471 forms our district would not lose the essential eRate reimbursement dollars (\$38,365.60 for our lease and \$6572.80 for the ISP service) for both the 2010-2011 and 2011-2012 filing years. I am very concerned about the complexity of the eRate process. I seek to understand the rules, regulations, and processes but have found that it is very complex. The time IT Directors, like myself, have to investigate, verify and assure that the process followed is in compliance is very minimal. Each year I spend a large amount of time trying to educate myself, use the online help, and navigate a maze of legal jargon. My honest mistake (I did file accurate Form 470 forms for each year) could potentially cost our district critical dollars which we have already upfront paid to Charter Business. These dollars are *crucial to support our technology needs* and ones which we have already invested by paying Charter. The total loss to our district over two years (since I also did not file a separate 471 for 2011-2012 not knowing this was an issue) could be \$89,876.80. This would be a crisis for our district and caused due to the complexity of understanding a very convoluted filing process.

I am asking you to please allow us a waiver and allow us to file a Form 471 form for 2010-2011 and 2011-2011 for our Charter Business fiber lease and ISP bandwidth services. I believe that Charter Business would be willing to work with us to resolve the erate process discrepancy. I have been led to believe that they, too, may not have understood the need for annual Form 471 files in cases of multi-year contracts.

I have with sincere intent filed eRate as accurately and honestly as possible. This unfortunate misunderstanding of the process based on inaccurate information provided to me during the application process could severely cripple the district's ability to serve nearly 3700 students and staff technology needs.

Please contact me at the earliest date possible with your decision.

Sincerely,

Jan Wee